

Introduced by Senator Corbett

February 6, 2007

An act to amend Section 15657.3 of the Welfare and Institution Code, relating to elderly and dependent adults.

LEGISLATIVE COUNSEL'S DIGEST

SB 183, as introduced, Corbett. Elderly and dependent adults: civil actions.

Existing law provides that the department of the superior court having jurisdiction over probate conservatorships shall also have concurrent jurisdiction over civil actions and proceedings involving a claim for relief arising out of the abduction or abuse of an elderly or dependent adult. Existing law further provides that, upon petition, after the death of the elder or dependent adult, the right to maintain an action shall be transferred to the personal representative of the decedent, or if none, to the person or persons entitled to succeed to the decedent's estate.

This bill would instead provide that after the death of the elder or dependent adult, the right to maintain an action shall pass to an intestate heir whose interest may be affected by the action or to the decedent's successor in interest. The bill would require that the action be commenced within 60 days of the date of the decedent's death.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 15657.3 of the Welfare and Institutions
- 2 Code is amended to read:

1 15657.3. (a) The department of the superior court having
2 jurisdiction over probate conservatorships shall also have
3 concurrent jurisdiction over civil actions and proceedings involving
4 a claim for relief arising out of the abduction, as defined in Section
5 15610.06, or the abuse of an elderly or dependent adult, if a
6 conservator has been appointed for plaintiff prior to the initiation
7 of the action for abuse.

8 (b) The department of the superior court having jurisdiction
9 over probate conservatorships shall not grant relief under this
10 article if the court determines that the matter should be determined
11 in a civil action, but shall instead transfer the matter to the general
12 civil calendar of the superior court. The court need not abate any
13 proceeding for relief pursuant to this article if the court determines
14 that the civil action was filed for the purpose of delay.

15 (c) The death of the elder or dependent adult does not cause the
16 court to lose jurisdiction of any claim for relief for abuse of an
17 elder or dependent adult.

18 (d) ~~Upon petition, after~~ After the death of the elder or dependent
19 adult, the right to maintain an action shall ~~be transferred~~ *pass* to
20 the personal representative of the decedent, or if none, to ~~the person~~
21 ~~or persons entitled to succeed to the decedent's estate~~ *an intestate*
22 *heir whose interest may be affected by the action or to the*
23 *decedent's successor in interest. An action initiated under this*
24 *subdivision shall be commenced within 60 days of the date of the*
25 *decedent's death.*